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SUBJECT: UGANDA: HOMOSEXUALITY REMAINS ILLEGAL AND CONTROVERSIAL

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Summary  
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¶1. (SBU) Public resentment against homosexuality has sparked demonstrations and significant public debate over the past few months. The GOU continues to take a strong position against the practice of homosexuality in Uganda, which is illegal. A local NGO, Sexual Minorities in Uganda Group (SMUG) publicly declared its existence and several members alleged harassment by police for their vocal stand against societal discrimination. A landmark legal case is now in the Uganda High Court in which two SMUG members allege that government agents had violated their privacy rights. Meanwhile, the case and other activism have put the issue on the national agenda. Ugandan law criminalizes homosexuality, even though Uganda is a signatory to the International Covenant on Civil and Political Rights which bans discrimination based on sexual orientation. This contradiction is being highlighted by non-governmental organizations (NGOs). End Summary

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Background  
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¶2. (SBU) On March 21, the U.S. Federal Appeals Court blocked the deportation of Olivia Nabulwala, a self-declared Ugandan lesbian who sought political asylum in the United States. In her defense, Nabulwala told the court that her sexual orientation would guarantee persecution if she returned to Uganda. The court referred her case back to the Board of Immigration Appeals. Nabulwala reportedly arrived in the U.S. in 2001 on a tourist visa. Within a few months she filed for asylum.

¶3. (SBU) The first Uganda court case in which homosexuals sought affirmation of their constitutional right to privacy in home and person began in December 2006 and continues to be heard. Juliet Victor Mukasa, Chairperson of SMUG, and Yvonne Oyoo sued the GOU for violating their privacy rights. The High Court began hearing the case in May this year and the next session is scheduled for September 12. Mukasa alleged that in July 2005, police raided her Kampala home in search of "homosexual tools." The police arrested and later released the two women.

¶4. (SBU) SMUG members first demanded recognition at a conference held in Jinja in September 2004. They allege that they are harassed by police, taxi drivers and people on the streets. Others claim that they are humiliated at school assemblies, forced to undress in church "to remove evil spirits," or raped to "prove" that they are women. Several members of SMUG, who made a vocal stand against discrimination during the World Social Forum in Nairobi, also claimed they were harassed by security agencies upon their return to Uganda in January 2007. One member, Jacqueline Kasha, said she feared abuse, or arrest. As a result, she changed residences after being informed that the police were looking for her.

¶5. (SBU) Debates about homosexuality have made headlines throughout the summer. High profile personalities offered letters and

editorials in the major media outlets and radio talk shows, the majority of which condemned the practice of homosexuality. An opinion poll conducted in Kampala by the Government-owned "New Vision" showed that 95 percent of Ugandans were opposed to homosexuality.

¶16. (SBU) The issue of homosexuality grabbed headlines again on August 16, when SMUG members publicly declared their existence in Kampala. The members complained about discrimination and demanded societal acceptance. Masked participants claimed they were born homosexual and wanted to live in peace. In a show of support, on August 22, Human Rights Watch (HRW) sent a letter to President Museveni demanding legal reforms repealing the laws against homosexuality. HRW demanded that harassment against members of SMUG cease. Opponents of homosexuality condemned the letter as an act that lacked respect for Uganda's culture and values.

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Government Position On Homosexuality  
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¶17. (SBU) Minister of State for Ethics and Integrity, Nsaba Buturo, has spearheaded the Government's efforts to answer international critics. He told Emboff that homosexuality would remain illegal in Uganda. Buturo blamed the media for aiding "apologists of a foreign culture. Uganda as a country has values and should be left to defend those values." On August 21, Deputy Attorney General, Freddie Ruhindi, urged government to enact a more stringent law against homosexuals in Uganda. Police Spokesperson, Asan Kasingye, refuted allegations that homosexuals were being persecuted. He noted that "homosexuality is a crime that is still at low ebb in Uganda. It is practiced secretly and it is difficult to find a complainant."

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¶18. (SBU) The Constitution of Uganda guarantees the preservation of basic human rights yet homosexuality is prohibited by law. Homosexuality and bestiality are deemed illegal in Section 140 of the Uganda Penal Code. Sections 141 to 143 outline strict penalties for these activities including up to five years in prison. There are no reports of persons who were arrested and charged under this law since 2005. Proof of the offence requires an individual to be caught in the act in order to be arrested.

¶19. (SBU) On August 30 the Broadcasting Council suspended Capital FM Radio presenter Gaetano Kaggwa and program controller George Manyali. The Council alleged that the men permitted the use of inappropriate language during their morning talk show. The main audience of the show consists of families. Kaggwa contends that the true reason for the suspension was that he hosted a live debate among homosexuals. He admits that vulgar language was used but argues that such language is used on other talk shows without penalty. The Council asserted that Kaggwa is not qualified to host such a show. (Note: Kaggwa is the host of Studio 53, an African-wide show on satellite television. End Note.)

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Religious Groups Protest  
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¶10. (SBU) On August 21, the Inter-faith Rainbow Coalition against Homosexuality in Uganda and anti-homosexual activists demonstrated against the practice and its promoters in Kampala. The demonstrators carried placards to the "righteous guidance" for matters related to sexual orientation. A petition was presented to Ethics Minister Buturo, urging the GOU to take stronger action against what they called "a well-orchestrated effort by SMUG to intimidate the government." Pastors and religious leaders called on the Government to resist external pressure to recognize gay rights. Buturo assured the protestors that the Government would fight the campaign to legalize homosexuality. Recently, Ugandan churches showed support and provided pastoral assistance to several U.S. dioceses which were against homosexuality. The East African Muslim Students Federation, urged its members to fight the societal infiltration of "immoral

behavior."

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Comment  
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¶11. (SBU) The issue of homosexuality in Uganda is highly controversial and polls show that the majority of Ugandans oppose it. As a result human rights groups and other social leaders have failed to actively support sexual minorities in their fight for recognition and acceptance. The numbers of homosexuals in Uganda is unknown. The donor Human Rights Working Group (HRWG) is monitoring the court case and other reported incidents. End Comment.  
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